

Victory letter

Sent 2-6 April 2007 to 37,110 e-mail addresses

From: dgr@physics.uottawa.ca

Subject: Victory in *Disciplined Minds* case

To: American Physical Society e-mail list and some other people

Dear fellow physicist,

Your courage to take a public stand on a close-to-home issue has won justice for a fired fellow physicist and has promoted free expression within the physics community.

Over five years ago we sent you an appeal beginning: "*Physics Today* magazine recently gave a punishing review to a book written by physicist Jeff Schmidt..."[1] For 19 years Jeff was a staff editor at our professional journal, *Physics Today* -- until his supervisors saw his book *Disciplined Minds*. Based upon examples from physics graduate training and beyond, it provocatively critiques workplace hierarchy in general and the politically subordinate role of people hired to do creative work.[2] The magazine's review: "...[they] fired him."

The resulting appeal to physicists and others landed in fertile soil and, through your efforts, justice has finally been done. You will not read about it in *Physics Today*, and so we are writing now to give you the story and to thank you for your support.

Your public response, from over 35 countries, was unprecedented. More than 1000 scientists, activists, and others in many fields -- including the largest number of physicists ever to speak out on a freedom-of-expression issue in the United States -- sent the American Institute of Physics (AIP), which publishes *Physics Today*, strongly worded demands for justice, all now public.[3] A human-rights committee of scientists affiliated with a unit of the IEEE investigated and issued a public report[4] condemning Jeff's dismissal.

Bringing such public judgment on Jeff's firing was already a form of justice because of the toll on AIP's image. Such punitive justice is available to any wronged individual unafraid to go public. Jeff deeply appreciates and thanks you for your support.[2] You can contact him at jeffschmidt@alumni.uci.edu.

Compensatory justice

Encouraged by your passionately expressed view that our institutions should uphold our community values, we continued the campaign for free expression -- with the goal of compensatory justice.

We took your protests to the American Physical Society, which plays a major role in governing AIP, and asked[5] the organization to oppose Jeff's dismissal, as it does when dissident physicists outside the United States are punished for expressing their views. APS officials, in what amounts to tacit approval of Jeff's firing, refused even to investigate the same issue close to home. This prompted us to urge Jeff to take legal action.

Hence, Jeff approached the most prominent Washington, D.C., civil-rights law organization, which, impressed by your protests, took the case pro bono publico. ("That's Latin for 'free,'" says Jeff.) The lawyers filed suit[6] and obtained internal AIP documents. After AIP handed over the embarrassing and incriminating documents -- which are now public[7] -- it capitulated and signed a legally binding settlement agreement. Some highlights:

1. Payment. AIP paid Jeff what we estimate[8] to be at least half a million dollars.
2. Public settlement. AIP agreed to Jeff's demand that the settlement agreement be a public document.[9]
3. Symbolic reinstatement. AIP reinstated Jeff to his position at *Physics Today* magazine.[10] A few hours later Jeff resigned.
4. Public statement by AIP. The American Institute of Physics publicly acknowledged that Jeff's supervisors and others praised his work and that AIP fired him for his provocative expression.[11]
5. Employment reference. AIP has given Jeff a positive reference letter.[12]
6. Discrimination remediation. While employed at *Physics Today*, Jeff led a contentious effort to force the magazine to change its long-standing pattern of hiring and training only whites as editors, and to live up to its claim of being an affirmative-action employer. These actions were part of the expression for which Jeff was fired.[6,13] Thus, to settle the case, AIP agreed[14] to...

...Support the National Society of Black Physicists (NSBP) and the National Society of Hispanic Physicists (NSHP) in becoming a member society of AIP and appointing a member of the AIP governing board.

...Encourage each of the ten AIP member societies to work with the NSBP and NSHP diversity council.

...Offer a science-writing course at an NSBP annual conference, which will increase the pool of talented minority-group editors.

...Maintain a program of mandatory diversity training for all AIP employees.

Freedom of expression not embraced

Although AIP's repressive behavior backfired, the organization has not welcomed free expression within the physics community. To settle the case, AIP demanded various censorship, including deleting text from critical articles published by the American Physical Society and by the *Canadian Undergraduate Physics Journal*.^[15] AIP's behavior prompted the *Canadian Undergraduate Physics Journal* to lodge a strong, public protest.^[16]

After the settlement, the American Institute of Physics, represented by the notorious union-busting law firm Jackson Lewis, slapped Jeff with a half-million-dollar legal action^[17] to silence him and to prevent physicists from discussing the settlement. AIP claimed that snippets of text posted at the *disciplinedminds.com* website (such as the two words, "symbolic reinstatement," and the five words, "Schmidt's concessions to AIP's demands") each did \$20,000 worth of damage to AIP, for a total of half a million dollars. AIP told Jeff that it would stop its legal action if he removes those phrases from the web and refrains from "all commentary regarding the settlement." We therefore regard AIP's legal filing as a SLAPP action (strategic lawsuit against public participation), one whose primary purpose is to stifle discussions of public interest.

We found this repressive behavior unacceptable for an institution of physics, which should show the public that physicists come to the truth through free discussion, not through censorship and intimidation. We wrote to AIP twice^[18] demanding that it drop its SLAPP action and reverse the censorship of articles published by the American Physical Society and the *Canadian Undergraduate Physics Journal*.

AIP has not undone the censorship or compensated Jeff for the legal costs of defending against its SLAPP action, but -- in another victory for free expression -- AIP announced, in its response to our letters, that it would stop pursuing the legal action.

We would like to hear from you

Thank you for taking a public stand.

We hope that you will share your thoughts with us. Please share your thoughts with AIP too. (Send us a copy and, with your permission, we'll post it on the web.) Do let us know if you would like to know about further developments in this case or about similar cases. You can reach us at DGRancourt@aol.com (Denis Rancourt), and you can reach AIP at millie@mgm.mit.edu (AIP governing board chair Mildred Dresselhaus).

Sincerely,

Denis Rancourt for

Fay Dowker, Physics Department, Imperial College London, UK
Sanjoy Mahajan, Physics Department, University of Cambridge, UK
Talat Rahman, Physics Department, University of Central Florida
Denis Rancourt, Physics Department, University of Ottawa, Canada
George Reiter, Physics Department, University of Houston

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